

**MCBRIDE LAW**

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July 1, 2010

Hon. Naomi Reice Buchwald  
United States District Court Judge  
UNITED STATES DISTRICT COURT  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

VIA: ECF Filing

Re: Pelican Equity, LLC v. Brazell et al. 09 Civ. 5927 (NRB)

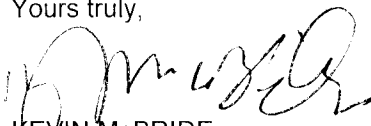
Dear Judge Buchwald:

At the end of the May 20, 2010 hearing, your honor instructed counsel to submit additional briefing on the question of subject matter jurisdiction in the above-referenced case. Mr. Altman thereafter submitted a letter on June 10, 2010, in lieu of a brief, on the subject matter jurisdiction question. Defendants are to file responsive briefs today, July 1, 2010.

Because Darl McBride's Motion to Dismiss for Lack of Personal Jurisdiction has not yet been addressed on the merits, and out of an abundance of caution, I respectfully ask to avoid briefing the subject matter jurisdiction question in behalf of my client until the personal jurisdiction motion is resolved, as to not put my client at risk of waiver on the personal jurisdiction motion.

I would also ask your honor to reconsider Darl McBride's Motion to Dismiss for Lack of Personal Jurisdiction; and respectfully suggest that a ruling on that motion, based on the briefs already submitted, would be appropriate.

Yours truly,



KEVIN McBRIDE

Attorney for defendant Darl McBride

cc: all counsel of record